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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

COLUMBIA RIVERKEEPER,

Plaintiff,

v.

PERENNIAL POWER HOLDINGS, INC.;
and PERENNIAL-WINDCHASER, LLC,

Defendants.

Case No. 2:20-cv-02256-HL

**JOINT MOTION FOR ENTRY OF
CONSENT DECREE**

Plaintiff Columbia Riverkeeper and Defendants Perennial Power Holdings, Inc. and Perennial-WindChaser, LLC have agreed to settle this case. Accordingly, the Parties hereby jointly move the Court to enter the proposed Consent Decree filed herewith after the conclusion of the waiting period imposed by the Clean Water Act.

Plaintiff filed this action pursuant to the citizen suit provision of the federal Clean Water Act, 33 U.S.C. § 1365, alleging Defendants are in violation of section 301(a) of the CWA, 33

U.S.C. § 1311(a), by discharging stormwater associated with construction activities from a point source(s) at Defendants' property located at approximately 45°48'09.06" N, 119°21'52.26" W into waters of the United States without the requisite permit. Defendants deny and contest Plaintiffs' allegations. Plaintiff and Defendants have now agreed to settle this matter, and the proposed Consent Decree filed herewith memorializes the Parties' agreement. The Parties now request entry of their proposed Consent Decree as an order of the Court because it is fair, reasonable, equitable, and does not violate the law or public policy, and it comes within the scope of the pleadings and furthers the broad objectives upon which Plaintiff's Complaint is based. *Sierra Club, Inc. v. Elec. Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir. 1990).

The Consent Decree may not be entered as an order of the Court until forty-five days after receipt of it by both the Administrator of the U.S. Environmental Protection Agency and the U.S. Attorney General. *See* 33 U.S.C. § 1365(c)(3); 40 C.F.R. § 135.5. Accordingly, after filing this motion, counsel for Plaintiff will serve copies of the proposed Consent Decree on the U.S. Attorney General, the Administrator of the U.S. Environmental Protection Agency, and the Administrator of Region 10 of the U.S. Environmental Protection Agency. Counsel for Plaintiff will then notify the Court after confirming receipt of the proposed decree by those officials. For the foregoing reasons, the Parties respectfully request entry of their proposed Consent Decree, filed herewith, as an order of the Court.

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RESPECTFULLY SUBMITTED this 18th day of April 2022.

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